

D.C. DEPARTMENT OF HUMAN RESOURCES

INVESTIGATION REPORT

Sexual Harassment: Karen Connor, Placeholder
Agency

January 16, 2018

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I. EXECUTIVE SUMMARY

On January 5, 2018, the D.C. Placeholder Agency received a report of potential sexual harassment that occurred between the period of August 1, 2017 and January 5, 2018. Deputy Director, Karen Connor, allegedly sexually harassed Program Analyst, Daniel Smith. Throughout this time, Mr. Smith alleged that Ms. Connor repeatedly came to Mr. Smith's office and spoke about her personal sexual experiences. During these visits, Mr. Smith alleged that Ms. Connor also asked Mr. Smith questions about his personal sexual experiences and preference. On October 1, 2017, Ms. Connor emailed Mr. Smith an invitation to attend a "swinger's party" via an email with the subject line "Party Tonight?" Mr. Smith promptly emailed Ms. Connor back to indicate he did not wish to attend the party with Ms. Connor. Over the next several months, Ms. Connor also verbally asked Mr. Smith to go to "swingers" parties with her on multiple occasions. Mr. Smith refused each of Ms. Connor's invitations. On December 3, 2017, Ms. Connor verbally informed Mr. Smith that she would provide him with a low performance rating if he did not go to a "swingers" party with her. On December 5, 2017, Mr. Smith alleged that Ms. Connor issued him a low performance rating because of his refusals. Mr. Smith indicated that he repeatedly informed Ms. Connor that both the invitations to the parties and the sexual conversations made him extremely uncomfortable.

Due to D.C. Placeholder Agency's small staff size and to avoid conflicts of interest, D.C. Placeholder Agency referred the report to the D.C. Department of Human Resources (DCHR). DCHR selected its Sexual Harassment Officer, Rick Deckard, to investigate the allegation against Ms. Connor. Though not exhaustive, based on this investigation, we have made the following findings:

1. Based on a preponderance of the evidence, Ms. Connor more likely than not engaged in sexual harassment on December 3, 2017 when she conditioned Mr. Smith's favorable performance rating on whether he would consent to attending a "swingers" party with her.
2. Based on a preponderance of the evidence, Ms. Connor more likely than not engaged in sexual harassment by repeatedly discussing her personal sexual preferences with Mr. Smith in addition to asking Mr. Smith about his own personal sexual preferences.
3. Based on a preponderance of the evidence, Ms. Connor violated the Code of Ethics when she used her position for personal gain. Ms. Connor used her supervisory influence to punish Mr. Smith for refusing her invitations and sexual advances, and failed to act impartially when assigning his performance rating.

In response to this incident, DCHR recommends that...

II. RELEVANT BACKGROUND

The District of Columbia Placeholder Agency

The D.C. Placeholder Agency's mission is to provide exemplary stand-in and representative services. As of January 16, 2018, D.C. Placeholder Agency employs a total of 30 employees. Of the 30 employees, 15 employees work off-site.

As it is a small agency, D.C. Placeholder Agency's office space consists of 15 cubicles arranged in close proximity. Due to the agency's small size, supervisors and their subordinates work closely with one another to fulfil the agency's mission. Supervisors often play an active role in project development in addition to their managerial duties. Ms. Karen Connor's cubicle is positioned directly adjacent to Mr. Daniel Smith's cubicle. Mr. Samuel Adams, who witnessed the alleged incident, sits across from Ms. Connor's cubicle.

Ms. Karen Connor's Employment History

Ms. Connor has been employed with the District Government since April 2012 as a Deputy Director.ⁱ

Mr. Daniel Smith's Employment History

Mr. Smith has been employed with the District Government since March 2013.ⁱⁱ Hired as a Program Analyst for D.C. Placeholder Agency, he continues to serve in that role. In December 2015, he received a rating of 4 on his performance evaluation.ⁱⁱⁱ In December 2016, he received a rating of 5. In December of 2017, he received a rating of 2.^{iv}

III. SCOPE OF THE INVESTIGATION

On January 5, 2018, D.C. Placeholder Agency received a report of potential sexual harassment. D.C. Placeholder Agency's Sexual Harassment Officer, Mr. John Doe, reviewed the report and determined that the substantiality of the allegation warranted the launch of an investigation. However, due to D.C. Placeholder Agency's small size, Mr. Doe referred the report to DCHR on January 5, 2018.

On January 8, 2018 DCHR approved and selected DCHR's Sexual Harassment Officer, Rick Deckard, to perform an investigation. Mr. Deckard began conducting the investigation on January 9, 2018. Conclusions were made using a preponderance of evidence standard. Witnesses interviewed included the following at D.C. Placeholder Agency:

INTERVIEWED WITNESSES			
Name	EMP ID#	Position Title	Interviewed At
Daniel Smith	12345678	Program Analyst	DCHR HQ
Samuel Adams	23456789	Program Analyst	DCHR HQ
Jack Daniels	45678901	Program Analyst	DCHR HQ
Karen Connor	34567890	Deputy Director	DCHR HQ

INVESTIGATION CHRONOLOGY	
Date	Event
1/5/2018	D.C. Placeholder Agency SHO receives report of potential sexual harassment. Report forwarded to DCHR for assistance.
1/8/2018	DCHR approves investigation.
1/9/2018	SHO, Rick Deckard launches investigation.
1/10/2018	Rick Deckard interviews Program Analysts, Daniel Smith, Samuel Adams, and Jack Daniels.
1/11/2018	Rick Deckard interviews Deputy Director, Karen Connor.

IV. DOCUMENTARY AND PHYSICAL EVIDENCE

1. Karen Connor Appointment to Deputy Director, SF-50 (April 1, 2012)
2. Daniel Smith Appointment to Prog. Analyst, SF-50 (March 15, 2013)
3. 2013 Performance Evaluation, Daniel Smith (4 Rating) (Dec. 1, 2013)
4. 2014 Performance Evaluation, Daniel Smith (5 rating) (Dec. 7, 2014)

5. “Party Tonight?”, emails from Karen Connor to Daniel Smith, and his reply (Oct. 1, 2017)
6. 2017 Performance Evaluation, Daniel Smith (2 Rating) (Dec. 5, 2017)
7. Interview of Daniel Smith, transcription (Jan 10, 2018)
8. Interview of Samuel Adams, transcription (Jan. 10, 2018)
9. Interview of Karen Connor, transcription (Jan 11, 2018)
10. Interview of Jack Daniels, transcription (Jan 10, 2018)

IV. ALLEGATION AND FINDINGS

Allegation

On multiple occasions, Ms. Connor entered Mr. Smith’s office and informed him of her personal sex life. Ms. Connor also allegedly asked Mr. Smith about his personal sex life and sexual preferences. On October 1, 2017, Ms. Connor sent an email to Mr. Smith inviting him to attend a “swinger’s party” with her. On the same day, Mr. Smith replied to the email refusing Ms. Connor’s invitation. After his refusal, Ms. Connor continued to verbally invite Mr. Smith to “swingers” parties. In one instance, Ms. Connor stated to Mr. Smith that if he refused to attend the party, he would receive a lower performance rating. On December 5, 2017, Mr. Smith received a rating of 2 on his performance evaluation.

Findings

1. On October 1, 2017, Ms. Connor emailed Mr. Smith with the subject line, “Party Tonight?” In the email, Ms. Connor asked him to attend a “swingers” party with her. Mr. Smith replied to the email clearly expressing his refusal.^v
2. Two (2) witnesses, Samuel Adams and Jack Daniels, also stated that Ms. Connor asked him, prior to sending the email, whether Mr. Smith might be interested in going to a “swingers” party with her.^{viii}
3. Between September and November 2017, Ms. Connor verbally invited Mr. Smith to multiple “swingers” parties; Mr. Smith declined each invitation. Mr. Smith affirms that the verbal invitations, while not sexual in nature, were romantic in nature.^{viii} Though Ms. Connor disputes that these invitations were romantic in nature, she does not deny that the invitations occurred.^{ix}
4. On December 5, 2017, Ms. Connor issued Mr. Smith’s performance evaluation for 2017, rating him as “needing improvement,” or a 2 out of a possible 5.^x
5. In December 2015, he received a rating of 4 on his performance evaluation.^{xi} In December 2016, he received a rating of 5. In December of 2017, he received a rating of 2.^{xii} Although Ms. Connor rated him as a 2, when pressed on specific performance criteria used in prior performance

evaluations, Ms. Connor indicated that his performance in those areas was properly scored in the past. Both Mr. Smith, Mr. Adams, and Mr. Daniels provided similar statements.

V. CONCLUSIONS

Based on findings provided, Ms. Connor may have engaged in sexual harassment and may have also engaged in other misconduct, warranting disciplinary action.

1. Based on a preponderance of evidence, Ms. Connor conditioned Mr. Smith receiving a favorable performance rating on his attendance to the “swingers” party.
2. Based on a preponderance of the evidence, Ms. Connor repeatedly discussed her sexual life with Mr. Smith, and asked him about his own sex life and sexual preferences.

VI. RECOMMENDATIONS

Based on the given analysis, DCHR finds that Ms. Connor more likely than not engaged in sexual harassment against Mr. Smith, and violated the Employee Code of Conduct. It is recommended that the agency’s General Counsel consider a disciplinary action against Ms. Connor.

This report reflects the conduct of our investigation and our conclusions based on a preponderance of the evidence.

Rick Deckard, Sexual Harassment Officer

Date

END NOTES

- ⁱ *Karen Connor Appointment to Deputy Director*, SF-50 (Apr 1, 2012)
- ⁱⁱ *Daniel Smith Appointment to Prog. Analyst*, SF-50 (March 15, 2013)
- ⁱⁱⁱ *2015 Performance Evaluation*, Daniel Smith (4 Rating) (Dec. 1, 2015)
- ^{iv} *2016 Performance Evaluation*, Daniel Smith (5 rating) (Dec. 7, 2016)
- ^v “Party Tonight?”, emails from Karen Connor to Daniel Smith, and his reply (Oct. 1, 2017)
- ^{vi} *Interview of Samuel Adams*, transcription (Jan. 10, 2018)
- ^{vii} *Interview of Jack Daniels*, transcription (Jan. 10, 2018)
- ^{viii} *Interview of Daniel Smith*, transcription (Jan 10, 2018)
- ^{ix} *Interview of Karen Connor*, transcription (Jan 11, 2018)
- ^x *2017 Performance Evaluation*, Daniel Smith (2 Rating) (Dec. 5, 2017)
- ^{xi} *2015 Performance Evaluation*, Daniel Smith (4 Rating) (Dec. 1, 2015)
- ^{xii} *2016 Performance Evaluation*, Daniel Smith (5 rating) (Dec. 7, 2016)